

REMARKS/ARGUMENTS

Reconsideration and allowance of all the claims of record are respectfully requested. Claims 1, 7-16 and 18-72 are pending in this application.

Rejections Under 35 U.S.C. §103:

Claims 1, 13-15, 19, 21, 22, 25, 26, 28-32, 34, 36, 39-48, 50-54, 56-59 and 63-72 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Yokoyama et al (U.S. '942, hereinafter "Yokoyama") in view of Bronstein (U.S. '773) and Eskildsen (U.S. '839). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claimed limitations must be taught or suggested by the prior art. Applicant submits that the combination of Yokoyama, Bronstein and Eskildsen fails to teach or suggest all of the claimed limitations. For example, the combination fails to teach or suggest a game card having recorded information for animating and displaying an animated video game character for play in a video game, as required by independent claim 1 and its dependents. Independent claims 13, 25, 28, 39, 51 and 57 and their respective dependents require a similar feature.

Yokoyama discloses a game apparatus using a disk that has a picture of a character relating to that disk on one surface and a barcode on the other surface. CPU 45 reads out data from a character data table based on the code indicated by the barcode. Parameters such as ability, available tricks relating to the character are set based on the data read out by the CPU. *See, e.g.*, col. 8, lines 54-59. By pressing command buttons 25a-27a or 25b-27b and rotating the disks, the players attack each other and defend their respective

characters from the attacks. LEDs 31a are illuminated to display areas being attacked and defended.

However, the Yokoyama system is not a video game system, let alone a video game system which reads game cards for animating and displaying video game characters. In particular, displays 28a and 28b does not form a video game system having animated characters as required by the claims. That is, lit LEDs 31a do not form animated video game characters.

Yokoyama therefore does not relate to video games having animated graphics and there is no further teaching or suggestion of controlling or changing the appearance of an animated video game character based on data read from a card. Neither Bronstein nor Eskildsen remedies this deficiency of Yokoyama. Bronstein appears to be utilized by the Office Action merely for a showing of a removable game cartridge.

In Eskildsen, an operation to be executed by the apparatus 10 is recorded on a barcode 31. In Eskildsen, the memory stores instructions corresponding to each of the possible barcodes. The microcomputer can perform these instructions in the order which corresponds to the entered user selected sequence. Then, according to the sequence set by the user, operations such as starting, reversing rotation or stopping of the motor, the playing of a sound producing a melody, etc., is executed. Eskildsen has nothing to do with a video game, let alone cards having information which may be read to control or change animation and display of an animated video game character in a video game.

Accordingly, even if Yokoyama, Bronstein and Eskildsen were combined as proposed by the Office Action, the combination would not have taught or suggested all of the limitations required by independent claims 1, 13, 25, 28, 39, 51 and 57 and their respective dependents.

Independent claim 44 requires a portion of a game machine program being stored in a game information storage medium and a portion to be obtained from at least one game card. Independent claims 63, 65 and 67 require a game program having program instructions obtained from a plurality of game cards. The combination of Yokoyama, Bronstein and Eskildsen fails to teach or suggest all of these claimed limitations.

In particular, Yokoyama discloses disks 10a-10b having barcodes which represent information for defining player input commands (essentially providing data to update variables). However, there is no disclosure of the barcodes on disks 10a-10b storing a game program (i.e., executable instructions). The barcodes disclosed by Yokoyama merely set parameters (e.g., life points, attacking force etc.) in correspondence to the read barcodes. Again, Yokoyama's barcodes do not store a game program.

Eskildsen also does not disclose a game card having barcodes for storage of a game program (executable instructions). Eskildsen does not relate to a video game program. The barcodes of Eskildsen do not form instructions which may be executed by a processor. The barcodes are data for determining the order in which instructions already in the memory are executed. The barcodes in Eskildsen do not provide for any

functionality beyond that which is already present in the memory. (See, e.g., col. 5, lines 1-15 of Eskildsen). Bronstein does not disclose cards having barcodes.

Accordingly, even if Yokoyama, Bronstein and Eskildsen were forcibly combined as proposed by the Office Action, the combination would not have taught or suggested the limitations required by independent claims 44, 63, 65 and 67 and their dependents.

Claims 58 and 59 require processing characteristic data of characters recorded on game cards to apply a change to the original content of the game program stored in a game information storage medium. The combination of Yokoyama, Bronstein and Eskildsen fails to teach or suggest these limitations. As discussed above, the barcodes on disks 10a-10b of Yokoyama merely represent information to update variables. None of the barcodes disclosed by Yokoyama or Eskildsen relate to characteristic data to apply a change to original content of a game program. Bronstein does not disclose cards having barcodes at all. Accordingly, even if the combination of Yokoyama, Bronstein and Eskildsen were forcibly combined as proposed by the Office Action, the combination would not have taught or suggested all of the limitations required by claims 58 and 59.

Accordingly, Applicant submits that claims 1, 13-15, 19, 21, 22, 25, 26, 28-32, 34, 36, 39-48, 50-54, 56-59 and 63-72 are not "obvious" over Yokoyama, Bronstein and Eskildsen and respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

Claims 11, 12, 16, 23, 24, 37 and 38 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Yokoyama, Bronstein and Eskildsen as applied to

claims 1 or 28, and further in view of Hara. Applicant respectfully traverses this rejection.

Hara fails to remedy the above described deficiencies of the combination of Yokoyama, Bronstein and Eskildsen. In particular, Hara fails to teach or even suggest game cards having recorded information for animating and displaying an animated video game character during video game play. Hara describes a game in which a win or loss is determined by the numerical data included in a barcode. Hara's playing cards record numerical data and not data for animating and displaying video game characters. Accordingly, even if Hara were combined with Yokoyama, Bronstein and Eskildsen, the combination would not have taught or suggested all of the claimed limitations. Applicant therefore requests that the rejection of claims 11, 12, 16, 23, 24, 37 and 38 under 35 U.S.C. §103 be withdrawn.

Claims 7, 9, 18, 27, 33, 35, 49, 55 and 60 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Yokoyama, Bronstein and Eskildsen as applied to claims 1, 16, 25, 28, 44 or 54, and further in view of Garfield (U.S. '332). Applicant respectfully traverses this rejection.

Independent claim 60 requires, *inter alia*, a game card that includes a recording of additional data which includes a mini-game program for playing a game which may be added to the game based on the game program stored in a game information storage medium. As discussed above, neither Yokoyama, Bronstein nor Eskildsen discloses a card containing a game program (i.e., executable instructions). Garfield fails to remedy

this deficiency of this combination. In particular, col. 4, lines 21-26 and col. 7, lines 43-45 of Garfield merely describe how certain cards may be used. There is no disclosure in Garfield of a game program to be added to a game based on a game program stored in a storage medium. Applicant therefore submits that independent claim 60 is not “obvious” under 35 U.S.C. §103 over the four-way combination of Yokoyama, Bronstein, Eskildsen and Garfield.

With respect to claims 7, 9, 18, 27, 33, 35, 49 and 55, Applicant submits that Garfield fails to remedy the above described deficiencies of Yokoyama, Bronstein and Eskildsen described above with respect to the respective base claims. Accordingly, Applicant respectfully requests that the rejection of claims 7, 9, 18, 27, 33, 35, 49, 55 and 60 under 35 U.S.C. §103 be withdrawn.

Claim 20 was rejection under 35 U.S.C. §103 as allegedly being unpatentable over Yokoyama, Bronstein and Eskildsen as applied to claim 16, and further in view of Garfield. This rejection is somewhat unclear to Applicant since base claim 16 was rejected under the four-way combination of Yokoyama, Bronstein, Eskildsen and Hara. Applicant therefore presumes that claim 20 is now being rejected under the five-way combination of Yokoyama, Bronstein, Eskildsen, Hara and Garfield. Garfield fails to remedy the above described deficiencies of the four-way combination of Yokoyama, Bronstein, Eskildsen and Hara with respect to base claim 16 and thus Applicant respectfully submits that claim 20 is allowable at least by virtue of its dependency from claim 16.

Claims 61 and 62 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Hara in view of Yamada (U.S. ‘651). Claim 61 describes a game card which is machine-readably recorded with data for animating and displaying a figure of a video game character. Neither Hara nor Yamada teaches or suggests such a game card. Hara does not teach or suggest video game character figures. Yamada merely discloses a card game in which cards are displayed on a display screen. Yamada does not disclose game cards read by a reading device, much less game cards machine-readably recorded with data for animating and displaying a video game character. Hara and Yamada, even if properly combinable, would not have resulted in the subject matter of claim 61.

Similar comments apply to claim 62.

As discussed above, Yokoyama also fails to teach or suggest a game card which is machine-readably recorded with data for animating and displaying a video game character during play of the video game. Yamada and Yokoyama, even if properly combinable, would therefore not have resulted in the subject matter required by claim 61. Similar comments apply to claim 62.

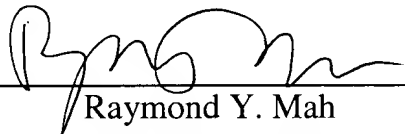
ISHIHARA et al.
Appl. No. 09/866,541
May 25, 2004

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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